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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**

9 RICKEY PERALEZ, on behalf of himself and
10 others similarly situated,

11 Plaintiff,

12 v.

13 THE WASHINGTON DEPARTMENT OF
14 CORRECTIONS, et al.,

15 Defendants.

Case No. C06-5625 jka

ORDER RE:

**PLAINTIFF'S MOTION TO
DETERMINE SUFFICIENCY
OF DEFENDANTS'
RESPONSES TO REQUESTS
FOR ADMISSION**

**ORAL ARGUMENT ON
PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

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19 This matter comes before the court on Plaintiff's Motion to Determine Sufficiency of Defendants'
20 Responses to Requests for Admission. The court has reviewed the Requests for Admission, the responses to
21 those requests, the pending motion, defendants' response to the motion, and plaintiff's reply.

22 Plaintiff's motion (Dkt#41) was filed simultaneously with Plaintiff's Motion for Partial Summary
23 Judgment (Dkt#42) seeking a determination that the Washington Department of Corrections' practice of
24 scoring offenders according to a numerical profiling system known as PULHESDXT – and then using that
25 score to exclude offenders from the Department of Correction's work release program – violates Title II of
26 the Americans with Disabilities Act and the Rehabilitation Act of 1973. Plaintiff's Declaration of Edwin Budge
27 (Dkt#43) is offered in support of both motions. Plaintiff argues that without more forthright responses, the
28 defendants are needlessly complicating the court's task in considering plaintiff's motion for summary judgment.

Defendants' Response to Motion to Determine Sufficiency of Responses to Requests for Admissions

1 (Dkt#44) supplements the original Responses to requests for admission with “sufficient” detail and explanation,
2 which is not overcome by plaintiff’s reply (Dkt#45).

3 **Accordingly, the court finds that the defendants have now met their obligation to respond to**
4 **Plaintiff’s Requests for Admissions sufficiently and declares the issue of “sufficiency” moot.**

5 Although Responsive and Reply pleadings are not yet due with regard to **Plaintiff’s Motion for Partial**
6 **Summary Judgment**, the court would like to schedule the matter for **Oral Argument** during the first week
7 of January, 2008 if the court and counsel can find a mutually convenient date. **The parties are directed to**
8 **contact Allyson Swan, Judicial Assistant, at 253-882-3880 no later than December 20, and (1) advise**
9 **as to whether or not they can mutually agree on an oral argument date of January 8th 2008 at 9:30**
10 **a.m., or (2) if they cannot, they should coordinate other possible dates with Ms. Swan.**

11 Dated this 14th day of December, 2007.

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13 **s/ J. Kelley Arnold**
14 **U. S. Magistrate Judge**
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